



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

January 13, 1939

Mr. B. F. Jennings
County Auditor
Kountze, Texas

Dear Mr. Jennings:

Opinion No. O-20
Re: Is the County Attorney
entitled to any fee under
Article 1053 in cases of
acquittal?

Your letter of December 22, 1938, addressed to the Honorable William McGraw, then Attorney General, has been received by this office.

You are advised: Article 1053 C.C.P. is the subject of a conference opinion adopted by this department on January 11. The conference opinion held the purported amendment to Article 1053 unconstitutional. We enclose a copy of the opinion and under the holding therein, each of your three questions must be answered in the negative.

The County Attorney would be entitled to receive from the county, one-half of his legal costs in misdemeanor cases only in the event of conviction, and then only if the judgment of conviction was satisfied by the convict by labor in the work house, on the county farm, on the public roads, or upon any public works of the county.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

Assistant

DW:RS.

ENCLOSURE